

APPLICANT(S): BARTLETT, Philip Nigel et al.  
SERIAL NO.: 10/538,769  
FILED: June 10, 2005  
Page 5

### **REMARKS**

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### **STATUS OF CLAIMS**

Claims 1-22 are pending in this application and have been rejected. Claims 1 and 11 have also been objected to.

### **CLAIM OBJECTIONS**

In the final Office Action, the Examiner maintained his objection to claims 1 and 11 because the cross sectional area has been expressed in meters, instead of in its corresponding units of area, e.g., m<sup>2</sup>. The Examiner has accepted Applicants' explanation that "pore size" in the application as filed (at page 4, line 23) refers to "pore diameter" but has maintained the objection. In response, Applicants have amended claims 1 and 11 to refer to the pore diameter, and now request withdrawal of the objection.

### **CLAIM REJECTIONS**

#### **35 U.S.C. § 103 Rejections**

In the final Office Action, the Examiner maintained his rejection of claims 1-22 under 35 U.S.C. § 103(a), as being unpatentable over Bartlett (PCT Patent Application Publication No. 99/00536) in view of Attard et al. (U.S. Patent No. 6,203,925). Applicants respectfully traverse this rejection.

In the Response dated March 9, 2009, Applicants argued that Bartlett et al. discloses a method of preparing a porous film comprises electrodepositing material from a mixture onto a substrate and discloses that electrodes having a porous structure have a high surface area over which interaction and/or redox processes can occur (see, Bartlett et al., at page 1, lines 15-16). Applicants also argued that Bartlett et al. mentions a wide range of possible applications

APPLICANT(S): BARTLETT, Philip Nigel et al.  
SERIAL NO.: 10/538,769  
FILED: June 10, 2005  
Page 6

in very general terms (see, Bartlett et al., at paragraph bridging pages 1-2 and paragraph bridging pages 15-16) but does not mention power density or energy density.

Applicants further previously argued that the present invention is concerned with meeting the very special requirements of portable electronic devices that require both high power density and high energy density (see application as filed, page I, last paragraph) and that the present inventors unexpectedly found that an electrode of the type disclosed in Bartlett et al., when used as the positive electrode in an electrochemical cell, provides the high power density and high energy density that is required by a portable electronic device.

The Examiner was not persuaded by Applicants' arguments, stating that the claimed invention does not require meeting specific power or energy density limitations. The Examiner also stated that, since the cited references meet the limitations recited in the claimed invention, it would also be capable of providing the required power and energy density in the portable electronic device.

Applicants point out that the present claims do, in fact, require meeting specific power or energy density limitations, since the claims are limited to portable electronic devices, which necessarily require high energy density and high power density, as set forth in the application as filed, e.g., at page 1, lines 26-29.

Applicants contend that there is nothing in the disclosure of Bartlett et al. suggests that the electrodes disclosed in Bartlett et al. would provide the high energy density and high power density required by a portable electronic device when used as the positive electrode in an electrochemical cell in such a device. Applicants contend that the Examiner's suggestion to the contrary is based on hindsight.

The combination of Bartlett et al. and Attard do not render obvious independent claim 1, which recites "A portable electronic device comprising an electrochemical cell, said cell comprising a positive electrode, a negative electrode and an electrolyte, wherein said positive electrode comprises a mesoporous structure having a periodic arrangement of substantially uniformly sized pores with a cross-section in the order of  $10^{-9}$  to  $10^{-8}$  m."

APPLICANT(S): BARTLETT, Philip Nigel et al.  
SERIAL NO.: 10/538,769  
FILED: June 10, 2005  
Page 7

Claims 2-22 are dependent upon independent claim 1 and therefore include all the limitations thereof. The combination of Bartlett et al. and Attard, which does not render obvious independent claim 1, also does not render dependent claim 2-22 obvious.

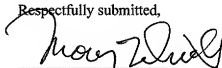
### **Conclusion**

In view of the foregoing amendments and remarks, Applicants assert that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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